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Ending reassessment for employment and support allowance for some disabled people in the UK

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ABSTRACT

In October 2016 the newly appointed UK Secretary of State for Work and Pensions, Damian Green, announced that some disabled people receiving Employment and Support Allowance would not face reassessment for their financial support to continue. This article critically engages with this announcement in the context of the publication of *Improving Lives. The Work, Health and Disability Green Paper* shortly afterwards.

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Introduction

The main income replacement benefit for disabled people in the UK – the Employment and Support Allowance (ESA) – has been controversial since being introduced in 2008. As well as problematic decision making, recently summed up in Ken Loach's film, *I Daniel Blake*, concern has been expressed regarding the reassessment of recipients via its Work Capability Assessment (Litchfield 2013; Work and Pensions Committee 2014). This article focuses upon the abolition of reassessment for some disabled people announced by the newly appointed Secretary of State for Work and Pensions, Damian Green, in October 2016.

Abolishing reassessment for 'severe... disability'

Green announced that people with 'severe, lifelong, often progressive and incurable conditions, with minimally fluctuating care needs, who are unlikely to ever be able to move closer to the labour market and into work' would no longer face reassessment to continue to receive ESA (House of Commons Debates 2016a, HCWS 174). This group of people with 'severe' conditions will also have to have been assessed as qualifying for the Support Group of the ESA. Green's comments highlight an intention to only exclude a small number of ESA recipients from

regular reassessment, while assuming that *all* disabled ESA recipients should be aiming to (re)enter wage work.

The government's view is that exemption from reassessment must be based upon identifying individual ESA recipients who 'it would be unreasonable to expect... to undertake any form or amount of work or work-related activity' (Penny Mordaunt, Minister for Work and Pensions, House of Commons Debates 2016b, WQ 52657). Mordaunt's comments are telling, for the Support Group is the group of people who have already been assessed as unable to do work or work-related activity. Therefore, the implication is that the government does not believe that *all* people in the Support Group are unable to work or to do activities to quicken their (re)entry to wage work.

Green was reported as saying that his announcement was linked to a belief 'in a welfare state where you have got to be hard-headed, but you shouldn't be hard hearted'. He went on: 'We [the government] want a welfare state to work for everyone... and there are a group of people for whom constant reassessment is pointless and which will increase their stress and anxiety levels'.¹ At an abstract level, Green's arguments drew upon a One Nation tradition in British Conservatism. While as Conservatives, people in this tradition see the use of state power as being the last resort, they nevertheless see an active role for the state, for example, the 'duty of government to take active steps to alleviate poverty and its attendant social ills' (Green 2005, 214). Green's views represent continuity with those of his two predecessors and suggest support for social welfare interventions only when individuals and free markets are deemed wanting.

The exemption of some disabled people from reassessment for ESA may, at an intellectual level, be located in Green's Conservative views, but this should not be over-emphasised. Such notions of Conservatism are problematic in that they have a preference for societal, rather than state support. Hence, it is unclear what the state should provide. Therefore, while Green's comments might be taken as professing compassion, his votes in parliament supporting various social security changes further impoverishing disabled people (DPAC (Disabled People Against the Cuts) 2016) points to the Conservatism, rather than the compassion, of the One Nation tradition.

In addition, a campaigning group of disabled people (DPAC (Disabled People Against the Cuts) 2016) argue that the move may be concerned with the cost effectiveness of the assessment process itself. The National Audit Office (NAO 2016) estimated the cost of the Work Capability Assessment and the disability assessment for Personal Independence Payment (the UK's additional cost benefit for working age disabled people) as being £1.6 billion between 2015 and 2018. It concluded that the Department of Work and Pensions had not 'achieved value for money in its management of assessment contracts' (NAO 2016, para. 16). The NAO also noted a 65 per cent increase in the cost of each assessment when the previous contractor, Atos, was replaced by Maximus subsidiaries in 2015. Austerity, therefore, also informs the decision to abolish reassessment for some ESA recipients.

Any reduction in administrative costs will be treated as a saving and not recycled into greater financial support for disabled people. As the 35 pence (0.3 per cent) per week increase in benefit from April 2017 for people in the ESA's Support Group demonstrates, the government is not concerned with disabled people's incomes.

Improving lives?

The Work Capability Assessment causes many disabled people harm. Barr et al. (2015, 339), for example, conclude from their research that the 'programme of reassessing people... using the Work Capability Assessment was independently associated with an increase in suicides, self-reported mental health problems and antidepressant prescribing'. If the abandonment of the reassessment of some ESA recipients reduces such harm it should be welcomed. It should, however, not receive unqualified support. For a large number of disabled people it leaves untouched an assessment fundamentally flawed because it measures functional impairment, rather than capability to do 'real' wage work (Baumberg et al. 2015). As important, is the ESA's place in the publication a month later of *Improving Lives. The Work, Health and Disability Green Paper* (Secretary of State for Work and Pensions and Secretary of State for Health 2016).

This paper indicates the government's intention to abolish the ESA's two groups (the Support Group and the Work Related Activity Group). The existing ESA approach is rejected as being one that 'places people into fixed categories for the purposes of engagement with local Jobcentres and specialist support programmes, with over half of individuals [those in the Support Group] not receiving any systematic support towards employment as a result' (Secretary of State for Work and Pensions and Secretary of State for Health 2016; para. 19). Here, the green paper is highlighting the trend (at least until the winter of 2015) following the introduction of the ESA for an increasing proportion of recipients to be sorted into the Support Group (Secretary of State for Work and Pensions and Secretary of State for Health 2016, Figure 1, p. 41). As the paper notes, the intention when the ESA was introduced was that less than 10 per cent of those successfully navigating the assessment process would be allocated to the Support Group, leaving the majority of its recipients in the Work Related Activity Group, where they are compelled to engage with activities to hasten their (re)entry into wage work.

In the early years of its operation the proportion of people who were assessed and then allocated to the Support Group was consistent with this expectation. However, over time a greater proportion were allocated to it, so that the government was able to claim in *Improving Lives* that two thirds of people (1.5 million) receiving the ESA were in the Support Group and 'given the perception they do not have any capability for work' (Secretary of State for Work and Pensions and Secretary of State for Health 2016, para. 127). Such discourse helped frame the introduction of the ESA, but in *Improving Lives* it is used to argue for a separation

of assessments for financial support and the employment support disabled people are held to require to access wage work.

It is at this juncture that there are important implications for Green's announcement. First, as noted above, there is currently confusion about who in the Support Group might be exempted from reassessment. The suggestion in *Improving Lives* would remove that confusion by abolishing distinctions between the two categories of applicants. All people receiving the ESA will be assessed for their employment support needs by work coaches. In the government's eyes, this will eradicate the perception in the current system that many disabled people are unable to work. Reassessment would only apply to financial support. People with 'the most severe, lifelong conditions' would be excluded from this (Secretary of State for Work and Pensions and Secretary of State for Health 2016, 43). Hence, for financial purposes there would still be two groups – those exempted from reassessment, who 'represent a small proportion' of ESA recipients (Secretary of State for Work and Pensions and Secretary of State for Health 2016, para. 150), and the majority who will face reassessment.

Second, and informing the desire to assess all ESA recipients' employment support needs, *Improving Lives* problematises that people currently in the Support Group do not have to engage with Jobcentre Plus in order help them move into wage work. The danger is that in the proposal for separate assessments of financial and employment support the conditionality that currently only applies to people in the work-related group will be extended to a larger number of ESA recipients. In other words, a greater number of disabled people will be forced to engage with work preparation tasks on the threat of benefit reductions if they do not. Green (2016, 7) supports conditionality as 'fundamentally underpin[ning] the relationships between the individual and the welfare state', and as a useful tool for all claimants, including those living with mental distress (as 50 per cent of those people in the Support Group do).

Hence, it is not surprising that *Improving Lives* alludes to the introduction of a requirement for all disabled applicants to engage with a "keep-in-touch" discussion, even those currently in the Support Group (Secretary of State for Work and Pensions and Secretary of State for Health 2016; para. 114). In the future, when there is even more individualised (described as 'personalised' in *Improving Lives*) employment support, based upon the discretion of work coaches, the potential is for conditionality to be extended to all ESA claimants, with perhaps (although because it will be discretionary this cannot be guaranteed) the exception of the category of people with the 'most severe lifelong conditions' (Secretary of State for Work and Pensions and Secretary of State for Health 2016, para. 45). In this sense, developments outlined in *Improving Lives* are arguably an attempt to return to the original aims of the ESA – to force as many disabled people as possible to make efforts to (re)enter wage work, or face having their ESA sanctioned.

Conclusion

When the recent announcement that the reassessment for some people in the Support Group of ESA is to be abolished is considered alongside the publication of the green paper, *Improving Lives*, it is clear that some caution is required. In the longer term, Damian Green's announcement should reduce for some disabled people the harm it is known the Work Capability Assessment causes. However, this will only be for a minority of ESA recipients judged to be 'severely' disabled. And through the development of a more 'personalised' employment support programme there is a danger that the use of conditionality and sanctions will be extended to a larger number of disabled people. This is a troubling development as it is premised upon the notion that disabled people are workless because of supply-side factors (their attitudes and character), rather than the demand for their labour power and the idea that 'faux' disabled people are swelling the 'disability category' when they could be self-supporting through wage work (Roulstone 2015). Complex systems which force people from 'welfare to work' are always a problem, particularly at an individual level. As any citizen, disabled people want to contribute. However, in wage work terms this is difficult because of intransigent employer and government attitudes, inflexible labour markets and a lack of recognition of disabled people's skills.

Note

1. <https://www.theguardian.com/society/2016/oct/01/dwp-scrap-retesting-for-chronically-ill-sickness-benefits-claimants> (accessed 16 May 2017).

Disclosure statement

No potential conflict of interest was reported by the author.

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